

Application No. 10/050,413
Amendment dated July 1, 2005
Reply to Office Action of April 22, 2005

REMARKS/ARGUMENTS

Responsive to the Official Action mailed April 22, 2005, applicants have further amended the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, new claims 11 and 12 have been added. Reconsideration is respectfully requested.

In the Action, the Examiner has rejected the pending claims under 35 U.S.C. §103, with reliance upon U.S. Patent No. 4,556,601, to Kirayoglu, in view of U.S. Patent No. 5,240,764, to Haid et al. This rejection is respectfully traversed.

In accordance with applicants' previous responses, they respectfully maintain that the principal Kirayoglu reference cannot be properly relied upon in rejecting the presently pending claims under 35 U.S.C. §103, since this reference specifically *teaches away* from heat-setting of a hydroentangled filter media. The Examiner specifically acknowledges this shortcoming in the teachings of the principal reference.

In this regard, the Examiner has relied upon the secondary Haid et al. reference, but applicants respectfully maintain that it is contrary to the teachings of the principal Kirayoglu reference to subject the filter media disclosed therein to heat-treatment.

In the Action, the Examiner noted that "applicants have not shown evidence that heat treatment of Haid et al. would shrink the fabric of the Kirayoglu reference".

Application No. 10/050,413
Amendment dated July 1, 2005
Reply to Office Action of April 22, 2005

Accordingly, applicants submit herewith the Declaration of Inventor Michael Putnam which specifically addresses the fact that subjecting the filter media of Kirayoglu *would, in fact, result in shrinkage of that filter media, contrary to the specific and acknowledged teachings of that reference.*

Applicants respectfully note Inventor Putnam's extensive education and experience in the field of art relating to textile and non-woven fabric constructs, and thus it is respectfully submitted that her Declaration provides the necessary evidence, in accordance with 37 C.F.R. §1.132, to refute the present rejection under 35 U.S.C. §103.

By this response, new claims 10 and 11 have been added, directed to one specific form of applicants' disclosed invention, comprising predominantly staple length fibers, wherein the filter media is devoid of heat-fusible fibers. It is believed that this claim is further patentably distinct from the cited prior art references, since again, those skilled in the art would not look to the teachings of Haid et al. for modifying the filter media disclosed in the principal Kirayoglu reference.

In the Action, the Examiner rejected the pending claims under commonly-assigned U.S. Patent Application No. 10/778,661. Accordingly, applicants submit herewith a Terminal Disclaimer referencing this co-pending application. It is believed that this double patenting rejection can now be withdrawn.

Application No. 10/050,413
Amendment dated July 1, 2005
Reply to Office Action of April 22, 2005

In view of the foregoing, formal allowance of claims 5, 6, and 8-12 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fee which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

By 
Stephen D. Geimer, Reg. No. 28,846

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
Citicorp Center, Suite 3800
500 West Madison Street
Chicago, Illinois 60661-2511
312/876-1800

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **July 1, 2005**.

